

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES MENDES,  
Plaintiff,

CIVIL ACTION  
NO: 05-10912-DPW

VS.

THE UNITED STATES OF AMERICA,  
Defendants.

JOINT MOTION TO EXTEND THE DEADLINES SET FORTH IN THE  
JOINT SCHEDULING STATEMENT

Now come the parties, by and through their respective attorneys, and respectfully move this Honorable Court to extend the deadlines set forth in the Joint Scheduling Statement, which was adopted by this Honorable Court on August 23, 2005, for a period of two (2) months. As grounds in support of this Motion the parties submit the following for the Court's consideration.

1. The plaintiff instituted this action to recover damages resulting from a right wrist injury that he sustained while serving as a seaman onboard the M/V 1<sup>ST</sup> LT. HARRY MARTIN.
2. After the parties attended the August 23, 2005 Initial Scheduling Conference, the plaintiff underwent right wrist surgery. The unexpected surgery was not successful and the plaintiff is scheduled to undergo another surgical procedure to his right wrist in March of 2006.
3. Because the plaintiff is still treating, the nature and extent of his injuries cannot be fully evaluated by the parties, which is necessary in order for the parties to complete their expert disclosures and properly prepare for trial.

4. An additional two (2) months will provide the parties with an opportunity to evaluate the plaintiff's condition following his surgery and complete their expert disclosures.

**WHEREFORE**, the parties pray that this Honorable Court extend the deadlines set forth in the Joint Scheduling Statement for a period of two (2) months and adopt the following schedule by the allowance of this Motion.

Designation of Plaintiff's Expert  
Testimony by or before: April 21, 2006

Designation of Defendant's  
Expert Testimony by or before: May 19, 2006

Completion of all Discovery  
by or before: June 16, 2006

Dispositive Motions by or before: July 14, 2006

Respectfully submitted,

**FOR THE CHARLES MENDES**

"/s/Carolyn M. Latti"  
Carolyn Latti, Esq.  
BBO NO: 567394  
LATTI & ANDERSON, LLP  
30-31 Union Wharf  
Boston, MA 02109  
(617) 523-1000

**FOR THE UNITED STATES OF AMERICA**

Michael J. Sullivan  
United States Attorney

Damon C. Miller  
Admiralty Attorney  
Torts Branch, Civil Division  
U.S. Department of Justice  
P.O. Box 14271  
Washington, D.C. 20044-4271  
(202) 616-4047

**ATTORNEYS FOR THE UNITED STATES**

By: "/s/Thomas J. Muzyka" \_\_\_\_\_  
Thomas J. Muzyka  
BBO NO: 365540  
CLINTON & MUZYKA, P.C.  
One Washington Mall  
Suite 1400  
Boston, MA 02108  
(617) 723-9165

**OF COUNSEL TO THE UNITED STATES OF  
AMERICA**

Dated: February 17, 2006